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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,255

10/11/2005

Walter Gramlich

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

BERNSTEIN, DANIEL A

ART UNIT

PAPER NUMBER

3743

MAIL DATE

DELIVERY MODE

05/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,255

Applicant(s)

GRAMLICH ET AL.

Examiner

DANIEL A. BERNSTEIN

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/11/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-30 and 32-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-30 and 32-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/088)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 41 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The drawings show that the light source directly radiates light onto the first reflector surface (see Fig. 2).

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 41 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 41 is indefinite, because it is not clear what is meant by "said first reflector surface is not directly irradiated by said light source". Based on the disclosure and particularly Fig. 2 the light source 21 appears to be directly incident on the first reflector surface. If light is hitting the reflective surface, how is it possible that the light source is not directly irradiating that surface? The figures and the specification as disclosed contradict the claimed subject matter of claim 41.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 22-31, 33-34, and 40 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 2,442,921 to Drake et al. (Drake).

In Reference to Claim 22

A cooking device, comprising: a cooking chamber (10, see Fig.1); a lighting unit for illuminating said cooking chamber (12, see Fig 5); said lighting unit including at least a first reflector (first curved surface of 19) and a light source (23); said first reflector including at least a first reflector surface (19) which reflects the light from said light source into said cooking chamber (10) as diffuse scattered light (D) (Column 3, lines 21-26); said first reflector including at least one second transverse reflector surface (second curved surface of 19) arranged transversely to said first reflector surface which reflects the light of said light source into said cooking chamber in a focused manner (it is inherent that curved surfaces direct light in a focused manner, because curved surfaces have a focal point); said first reflector surface terminating at one end at a transverse reflector surface (the first reflector surface 19 terminates at semicircular plate 21, which may be formed by sheet metal plated and polished on its interior, Col. 2 lines 55-57) and terminating at an opposite end at another transverse surface (see Fig. 3 and 5

where Drake shows that the plates 21 are opposite each other at transverse ends of the reflector).

It should be noted that claim 22 does not claim any heating means, so a cooking chamber can be any chamber, such as a refrigeration chamber as taught by Drake.

In Reference to Claim 23

The cooking device according to claim 22 (see rejection of claim 22), including said traverse reflector surfaces (surfaces 21 and 22 reflect onto two curved surfaces of 19) reflect the light into said cooking chamber as a light cone (K) (curved surfaces, in this case 19, inherently reflect light as a light cone).

In Reference to Claim 24

The cooking device according to claim 22 (see rejection of claim 22), including said traverse reflector surfaces (both surfaces of 19) reflect the light into said cooking chamber in an almost parallel beam profile (inherently, some light reflecting off of 19 will be reflected in an "almost" parallel beam profile. The term "almost" is too broad to limit or constrain the light to any particular profile.)

In Reference to Claim 25

The cooking device according to claim 22 (see rejection of claim 22), including said traverse reflector surfaces constructed as one of a substantially flat or a substantially arched surface (19, shows an arced reflector surface).

In Reference to Claim 26

The cooking device according to claim 22 (see rejection of claim 22), including a first one of said transverse reflector surfaces (21) deflects the light of said light source in

the direction of the other of said transverse reflector surfaces (21 deflects light towards 22).

In Reference to Claim 27

The cooking device according to claim 22 (see rejection of claim 22), including said first reflector surface (19) delimits a light guiding compartment (all of structure 12 defines a light guide).

In Reference to Claim 28

The cooking device according to claim 27 (see rejection of claim 27), including said transverse reflector surfaces (21 and 22) arranged in said light guiding compartment (12).

In Reference to Claim 29

The cooking device according to claim 22 (see rejection of claim 22), including at least one of said first and second reflector surfaces (both curved surfaces of 19) constructed in one piece (12 which contains both curved surfaces of 19) with said reflector.

In Reference to Claim 30

The cooking device according to claim 22 (see rejection of claim 22), including a rounded transition surface (20) **formed at a selected one of** between said first reflector surface and said second transverse reflector surface (20 is between the first and second reflector surfaces 19) **and on at least of said second transverse reflector** (first reflector surface of 19 separated from second reflector surface of 19 by 20).

In Reference to Claim 33

The cooking device according to claim 27 (see rejection of claim 27), including said light guiding compartment (12) of said reflector includes at least a portion substantially transparent to said cooking chamber (26, Column 3 lines 24-26).

In Reference to Claim 34

The cooking device according to claim 27, including a light channel opaque (26, Column 3 lines 27-29, where 26 may be frosted) towards the outside of said light guiding compartment (12) formed in at least a portion of said reflector (forms the cover of 12).

In Reference to Claim 40

The cooking device according to claim 27 (see rejection of claim 27), including said transverse reflector surfaces (both surfaces of 19) arranged in said light-guiding compartment (12) of said reflector are arranged offset with respect to one another (both surfaces of 19 are "offset" from each other by 20. The applicant does not define "offset" in the specification, therefore "offset" is interpreted as an abrupt bend in an object by which one part is turned aside out of line).

In Reference to Claim 41

The cooking device according to claim 22, including said first reflector surface is not directly irradiated by said light source (as best construed by the examiner the prior art of record construes the structure as claimed in claim 41).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 32 and 35-39 rejected under 35 U.S.C. 103(a) as being unpatentable

over Drake in view of US Patent No. 5,960,785 to Byrne et al. (Byrne).

In Reference to Claim 32

Drake teaches a cooking device of claim 27 with a door (15, see Fig. 2) for closing said cooking chamber. Drake does not teach a reflector arranged in said cooking device door.

Byrne teaches a cooking device door (16, see Fig. 2) for closing said cooking chamber (12) and said reflector (see Fig. 3) arranged in said cooking device door.

It would be have been obvious at the time the invention was made to a person having ordinary skill in the art to have rearranged the reflector of Drake in the door (16) as taught by Byrne because the rearrangement would have advantageously allowed easier access to the light fixture components as would have been well known.

In Reference to Claim 35

Drake as modified by Byrne suggests a light source arranged outside a cooking device door and emits light in the direction of said reflector (see the rejection of claim 32 above). The position of the light source does not effect the operation of the reflector and therefore it is obvious to rearrange the parts of Drake and Byrne to achieve the same function of the claim.

In Reference to Claim 36

Drake as modified by Byrne suggests a cooking device of claim 32 where a light guiding compartment (12), of said reflector is closed on the interior side of said door. See the rejection of claim 32 where the rearrangement of Drake and Byrne would form a light guiding compartment of said reflector closed on the interior side of said door.

In Reference to Claim 37

Drake as modified by Byrne suggests the cooking device of claim 36 including a door inner pane facing said cooking chamber and said reflector together with a door inner pane that closes a light guiding compartment.

Byrne teaches a reflector (see Fig. 3) together with a door inner pane (46) that closes a light guiding compartment (52). See the rejection of claim 32 for rearrangement of parts.

In Reference to Claim 38

Drake as modified by Byrne suggests the cooking device of claim 32 including at least one mounting section for affixing said reflector inside said cooking device door formed on said reflector. Byrne teaches a mounting section (retainer plate 46, see Fig. 2) for affixing said reflector (see Fig. 3) inside said cooking device door (16) formed on said reflector. See rejection of claim 32 for rearrangement of parts.

In Reference to Claim 39

Drake as modified by Byrne suggests a cooking device of claim 32 with a door including a door intermediate pane and at least one retaining attachment (pins or screws 50 hold 46 in place) constructed in said cooking device door (16) for retaining said intermediate pane (46). See rejection of claim 32 for rearrangement of parts.

Response to Arguments

9. Applicant's arguments with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection.
10. Applicant's arguments filed 01/28/2009 have been fully considered but they are not persuasive.

Specifically, the applicant has argued that Drake does not teach a gas burner or any type of heating/cooking means. The applicant has not claimed means for cooking a food product such as a gas burner. Since the applicant neglected to claim a cooking means, a cooking chamber and a cooking device have been interpreted as intended use. Furthermore, any sealed chamber, such as the refrigeration chamber of Drake, can be used as a cooking chamber if the chamber is supplied with a heating means.

Furthermore, the applicant argues that Drake does not teach or disclose a second transverse reflector surface arranged transversely to the first reflector surface which reflects the light of the sight source into the cooking chamber in a focused manner. However, according to the definition of transverse, which is lying or extending across in a cross direction, Drake shows two curved transverse surfaces 19 that focus light in a concentrated manner. It is well known to someone of ordinary skill in the art that curved surfaces, such as 19 (Fig. 5), focus light in a concentrated manner. These type of reflectors are well known light fixture assemblies and solar panels.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL A. BERNSTEIN whose telephone number is (571)270-5803. The examiner can normally be reached on Monday-Friday 8:00 AM - 5:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAB

/Kenneth B Rinehart/
Supervisory Patent Examiner, Art Unit 3743